

Of Discriminating Age



ADEA protections include:

Apprenticeship Programs—it is generally unlawful for apprenticeship programs to discriminate on the basis of an individual's age.

Job Notices and Advertisements—it is unlawful to include age preferences, limitations, or specifications in job notices or advertisements except in the rare circumstances where age is shown to be a “bona fide occupational qualification.”

Pre-Employment Inquiries—employers are not specifically prohibited from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may indicate possible intent to discriminate based on age, requests for age information will be closely scrutinized to make sure that the inquiry was made for a lawful purpose.

Benefits—the Older Workers Benefit Protection Act of 1990 (OWBPA) amended the ADEA to specifically prohibit employers from denying benefits to older employees. In limited circumstances, an employer may be permitted to reduce benefits based on age, as long as the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals 40 years of age or older from employment discrimination based on age. The ADEA's protections apply to both employees and job applicants.

Under the ADEA, it is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under the ADEA.

The ADEA applies to employers with 20 or more employees, including state and local governments. It also applies to employment agencies and labor organizations, as well as to the federal government.

Waivers of ADEA Rights—employer requests for employees to waive his/her rights or claims under the ADEA must meet specific minimum standards in order for a waiver to be considered knowing and voluntary.

For information on filing an age discrimination charge, call the Utah Antidiscrimination and Labor Division (UALD). Office hours are 8 a.m. to 5 p.m., Monday through Friday. You may need to leave a voice message. An investigator will return your phone call. Call 530-6801, toll-free in state at 1-800- 222-1238, or TDD 801-530-7685. You will be given information that can help you decide if you have grounds to file a charge of employment discrimination, and at:

http://laborcommission.utah.gov/Utah_Antidiscrimination_Labo/Employment_Discrimination/instruccions%20Employment_SPA.pdf

On the Web

<http://eeoc.gov/types/age.html>
<http://laborcommission.utah.gov/>



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